Customer No. 24498
Attorney Docket No. RCA88761
Office Action Date: September 9, 2008

Remarks/Arguments

Claims 1-17 are pending in this application and are rejected in the Office Action of September 9, 2008. Claims 1-7, 9 and 11-14 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as their invention.

Rejection of Claims 1-9 and 11-17 under 35 U.S.C. §103(a)

Claims 1-9 and 11-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,069 issued to Ludtke et al. (hereinafter, "Ludtke") in view of U.S. Patent No. 6,400,280 issued to Osakabe (hereinafter, "Osakabe"), and further in view of U.S. Patent No. 5,477,262 issued to Banker (hereinafter, "Banker"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1, as amended herein, recites:

"(d) means for transferring said digital video content and said digital OSD video data as separate data via said digital bus to said display device, _wherein at said display device_ said digital video content passes through a first signal path which decodes said digital video content to generate decoded digital video content and _all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data **or convert said menu data to a different format**_, and wherein outputs of said first and second signal paths are combined so that said on-screen display menu represented by said digital OSD video data is overlaid onto said decoded digital video content." (emphasis added)

As indicated above, amended independent claim 1 defines a peripheral consumer electronic device in which _all menu data representative of menu content associated with the peripheral consumer electronic device passes through a second signal path at a display device which does not decode the menu data or convert said menu data to a different format_. Independent claims 7, 9 and 12-14 define the foregoing subject matter in a similar manner. Support for the

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foregoing claimed subject matter is shown, for example, in FIG. 4 of Applicants' specification.

None of the cited references, whether taken individually or in combination, teaches or suggests the foregoing claimed subject matter. On pages 3-4 of the Office Action dated September 9, 2008, the Examiner admits that Ludtke fails to disclose all elements of the claimed invention, and relies on Osakabe to remedy a portion of these deficiencies of Ludtke. In particular, the Examiner alleges:

"... Osakabe discloses a peripheral device distributing content to a display via a IEEE 1394 digital bus (Fig. 3; column 4, line 65-column 5, line 34) wherein an Isochronous transfer mechanism is used for transferring video content (all real time content; column 5, lines 21-34) and asynchronous transfer mechanism for transferring commands and other data (column 5, lines 21-34) wherein the video content is transmitted through a first path at the display device and decoded for display (Fig. 5; column 6, lines 27-40) and <u>wherein the menu data is transmitted through a second path at the display device and not decoded (Fig. 5; column 7, lines 13-28)</u>." (emphasis added)

As indicated above, the Examiner alleges that Osakabe discloses the claimed "second signal path" of independent claims 1, 7, 9 and 12-14, and specifically cites FIG. 5 and column 7, lines 13-28 thereof.

In response, Applicants note that independent claims 1, 7, 9 and 12-14 are amended herein to clearly distinguish over the proposed combination including Osakabe. As indicated above, independent claim 1, for example, states that "<u>all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path [at a display device] which does not decode said menu data *or convert said menu data to a different format*</u>" (emphasis added). The proposed combination including Osakabe fails to teach or suggest such a feature. In particular, the alleged "second signal path" of Osakabe includes a central processing unit (CPU) 33 which performs a conversion function upon the data received via this alleged "second signal path" (see FIG. 5 cited by Examiner). This

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conversion function of CPU 33 is described in column 7, lines 13-28 of Osakabe (cited by Examiner) as follows:

> "The asynchronous packet corresponding to the response from the digital camcorder 25 which is returned through the IEEE-1394 serial bus 26 is input to the asynchronous portion of the LINK-IC 36 through the PHY-IC 37, converted to a digital signal stream and then supplied to the CPU 33. The CPU 33 converts the digital signal stream to the information corresponding to the response of the digital camcorder 25, and if necessary it generates the corresponding remote control signal and returns it through the remote control signal transmitting/receiving circuit 31 to the bi-directional remote commander 27. Further, if necessary, it supplies the remote control signal to the display 34 to display corresponding characters, figure, icon or the like, whereby a user can recognize whether the digital camcorder 25 normally receives the control command." (emphasis added)

As indicated above, CPU 33 in FIG. 5 of Osakabe performs a conversion function upon the data received via the alleged "second signal path". Accordingly, the proposed combination including Osakabe fails to teach or suggest, *inter alia*, the claimed manner of handling menu data at a display device in which "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data *or convert said menu data to a different format*", as recited for example by claim 1. Accordingly, Osakabe is unable to remedy the admitted deficiencies of Ludtke.

Moreover, the proposed combination including the teachings of Osakabe expressly teaches an approach for handling menu data at a display device that ostensibly requires a dedicated CPU, and is therefore very likely more expensive than the approach defined by the claimed invention. This more expensive approach of the prior art is clearly less desirable than the approach of the claimed invention in many consumer electronic applications where product cost is an extremely important factor.

Banker is likewise unable to remedy the deficiencies of Ludtke and Osakabe. In particular, Banker is cited for allegedly teaching the use of an overlay

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function in which an output OSD menu is overlaid onto an output full-screen video prior to display (see, for example, page 5 of the Office Action dated September 9, 2008). However, as shown for example in FIG. 3 and its accompanying description, Banker fails to teach or suggest, *inter alia*, the claimed manner of handling menu data at a display device in which "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital OSD video data passes through a second signal path which does not decode said menu data *or convert said menu data to a different format*", as recited for example by claim 1. Accordingly, Banker is unable to remedy the deficiencies of Ludtke and Osakabe.

Therefore, for at least the reasons stated above, Applicants submit that neither Ludtke, Osakabe nor Banker, whether taken individually or in combination, teaches or suggests a notable feature of independent claims 1, 7, 9 and 12-14, and their respective dependent claims. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection of Claim 10 under 35 U.S.C. §103(a)

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ludtke in view of Osakabe and Banker, and further in view of P1394 Draft 8.0v2. Applicants respectfully traverse this rejection since the P1394 Draft 8.0v2 is unable to remedy the deficiencies of Ludtke, Osakabe and Banker pointed out above with reference to claims 1-9 and 11-17. In particular, P1394 Draft 8.0v2 is cited for allegedly disclosing a function control protocol in which a peripheral device transmits a control command and response by asynchronous packet for each asynchronous operation (see page 21 of the Office Action dated September 9, 2008). However, like Ludtke, Osakabe and Banker, P1394 Draft 8.0v2 also fails to teach or suggest, *inter alia*, the claimed manner of handling menu data at a display device in which "all menu data representative of menu content associated with said peripheral consumer electronic device including said digital video data passes through a second signal path which does not decode said menu data *or convert said menu data to a different format*", as recited by independent claim 9 from which claim 10 depends. Accordingly, claim 10 is patentably distinguishable over

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the combination of Ludtke, Osakabe, Banker and P1394 Draft 8.0v2, and withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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